

Michael J. Domino, President
John M. Bredemeyer III, Vice-President
Glenn Goldsmith
A. Nicholas Krupski
Greg Williams



Town Hall Annex
54375 Route 25
P.O. Box 1179
Southold, New York 11971
Telephone (631) 765-1892
Fax (631) 765-6641

BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, February 14, 2018

5:30 PM

Present Were: Michael J. Domino, President
John M. Bredemeyer, Vice-President
Glenn Goldsmith, Trustee
A. Nicholas Krupski, Trustee
Greg Williams, Trustee
Elizabeth Cantrell, Senior Clerk Typist
Damon Hagan, Assistant Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, March 13, 2018 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, March 21, 2018 at 5:30 PM at the Main Meeting Hall

WORK SESSIONS: Monday, March 19, 2018 at 4:30 PM at the Town Hall Annex 2nd floor Board Room, and on Wednesday, March 21, 2018 at 5:00 PM at the Main Meeting Hall

MINUTES: Approve Minutes of December 13, 2017 and January 17, 2018.

TRUSTEE DOMINO: Good evening and welcome to our February 14th, 2018, monthly meeting.

I would like to recognize the people on the dais. To my immediate left is Trustee Bredemeyer, Trustee Goldsmith, Trustee Krupski and Trustee Williams. To my right is Assistant Town Attorney Damon Hagan, and our senior clerk typist Elizabeth Cantrell. Also with us tonight is court stenographer Wayne Galante. And the Conservation Advisory Council member tonight John Stein.

I would like to announce that the agendas are located on the podium and outside in the lobby.

Postponements. We have postponements for a number of reasons, usually the paperwork is incomplete. But tonight on page three, we have number three, **SCOTT KAUFMAN** requests a Wetland Permit and a Coastal Erosion Permit to

remove existing damaged stairway and terrace retaining walls; construct along eroding toe of bluff approximately 210 linear feet of stone revetment, including angled westerly return, all consisting of approximately 3 to 5 ton stone placed over 50 to 100 pound core stone and filter cloth; restore bluff face using terrace retaining walls, approximately 600 cubic yards of sand re-nourishment (including approximately 350 cubic yards to cover proposed revetment), and native plantings; construct a $\pm 3'$ wide berm with ± 50 cubic yards of sand/loam within 15' wide vegetated non-turf buffer to be established adjacent to bluff crest to control storm-water runoff; and construct a new 4'x $\pm 50'$ elevated bluff stairway with landings and handrails consisting of 4' wide x $\pm 3'$ long entry steps at top of bluff down to a 4'x8' upper platform with bench to 4' x $\pm 8'$ steps to a 4'x8' middle landing with bench to 4' x $\pm 10'$ steps to a 4'x4' middle landing to 4' x $\pm 8'$ steps to a 4'x6.7' lower landing to 4' x $\pm 14'$ stairs to beach. Located: 2050 Dignans Road, Cutchogue. SCTM# 1000-83-2-7.3, has been postponed.

And on page six, we have numbers ten, eleven and 12, are also postponed.

Number ten is **LUCINDA BARNES** requests a Wetland Permit to remove invasive/non-native vegetation and vines within an approximate 9,000sq.ft. area landward of the top of bluff, and re-vegetate area by planting native vegetation consisting of low and high bush blueberries, beach grass, bayberry, and beach plum; and to maintain the existing access path to the beach. Located: 63875 County Road 48, Greenport. SCTM# 1000-40-1-21

Number eleven, AMP Architecture on behalf of **WILLIAM GRELLA & GARY OSBORNE** request a Wetland Permit for the as-built 232sq.ft. Belgium block parking area; as-built 121 sq.ft. Belgium block walkway; as-built 517.3sq.ft. managed lawn areas; as-built 240sq.ft. gardens; as-built 160.5sq.ft. crushed shell areas; as-built 22.3sq.ft. metal planter box; as-built 14.3sq.ft. metal waterfall; as-built 15sq.ft. rear concrete stairs; as-built 71 3sq.ft. pavers on sand; as-built 95sq.ft. gravel on sand; as-built 11 sq.ft. fire pit on sand; as-built 41 sq.ft. open shower with Belgium block on sand base; as-built two (2) 7.2sq.ft. concrete table bases; as-built 16sq.ft. front concrete stairs; and for the proposed installation of a 46.4sq.ft. set of second-story wood stairs consisting of a 4'x4.3' upper platform with 4'x7.4' stairs to seaward side patio area; proposed installation of 27sq.ft. of pavers on sand. Located: 1200 First Street, New Suffolk. SCTM# 1000-1 17-7-30

And number 12, Stacey Bishop on behalf of **FORDHAM HOUSE LLC, c/o DENIS BOUBOULIS** requests a Wetland Permit to install a $\pm 1,67$ sq.ft. on-grade paver patio along the seaward side of the dwelling; extend existing westerly 15' long by 10' high by 12" thick concrete and stone veneer retaining wall an additional 35' seaward for a total length of 50' beginning at the left rear corner of existing dwelling; at seaward end of westerly retaining wall, install a 28' long, varying height concrete and stone veneer retaining wall parallel with the dwelling; along easterly side of property, extend existing 3' high natural stone

retaining wall an additional $\pm 45'$ seaward; approximately 15' seaward of proposed 28' long parallel retaining wall, install a $\pm 3'$ high by $\pm 45'$ long retaining wall situated approximately 1' landward of established 50' wide non-disturbance buffer; and to install a generator pad, generator, and buried gas tank for the generator. Located: 5205 The Long way, East Marion. SCTM# 1000-21-5-11 has been postponed

I would like to announce under Chapter 275-8(c), the files were officially closed seven days ago, and submission of paperwork after that date may result in a delay of the processing of the application.

At this time I'll entertain a motion to have our next field inspection Wednesday, March 14th, 2018, 8:00 AM, at the Town Annex.

TRUSTEE BREDEMEYER: So moved

TRUSTEE DOMINO: Second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll entertain a motion hold the next Trustee meeting Wednesday, March 21st, 2018, at 5:30, here at the main meeting hall.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I would like a motion to hold the next worksession at the Town Annex board room, second floor, on March 19th, 2018, and at 5:00 PM Wednesday, March 21, 2018, at the main meeting hall.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: At this time I'll entertain a motion to approve the Minutes of the December 13th, 2017, and January 17th, 2018, meetings.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for January 2018. A check for \$21,400.67 was forwarded to the Supervisor's Office for the General Fund.

II. PUBLIC NOTICES:

Public Notices are posted on the Town Clerk's Bulletin Board for

review.

III. STATE ENVIRONMENTAL QUALITY REVIEWS:

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VI Public Hearings Section of the Trustee agenda dated Wednesday, February 14, 2018, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Mattituck Property Family Trust - SCTM# 1000-123-2-28.4
Marijo C. Adimey & Veronica M. Lugris SCTM# 1000-135-1-5
Renee Poncet - SCTM# 1000-35-4-28.36
Timothy Casamento & Kleo King SCTM# 1000-52-9-1.2
Brewers Yacht Yard at Greenport, Inc. SCTM# 1000-43-3-2
Mattituck Park District - SCTM# 1000-126-6-17 & 1000-126-6-18
Shamgar Capital, LLC, c/o Daniel P. Buttafuoco, Member
SCTM# 1000-70-13-20.7

IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE GOLDSMITH: Chris Mohr Landscaping, Inc., on behalf of **PAUL CUTRONE** requests an Administrative Permit for the as-built installation of approximately 550' ($\pm 275'$ on either side) of 8' high deer fencing attached to vineyard poles along each side yard property line from the house to the water.

Located: 940 Maratooka Lane, Mattituck. STM# 1000-115-3-17

This one was tabled last month due to the fact that the existing deer fence went too close to the water. So after speaking with the contractor who spoke with Mr. Cutrone, they have agreed to remove one section of the fence to bring it approximately 20 feet landward of Marratooka Lake.

So I make a motion to approve it based on new plans showing the removal of the last section of fence.

TRUSTEE WILLIAMS: I second the motion.

TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).

V. APPLICATION FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE DOMINO: Roman numeral V. In order to simplify our meeting I'll make a motion to approve as a group items one through six. They are listed as follows:

Number one, Bill Isaacson, Manager on behalf of **HAYWATERS ROAD, LLC** requests the Last One Year Extension to Wetland Permit #8576, as issued on March 18, 2015.

Located: 75 Haywaters Road, Cutchogue. SCTM# 1000-111-1-2

Number two, **JOAN L. COOKE** requests a One-year Extension to Wetland Permit #8750, as issued on March 23, 2016.

Located: 2205 Bay Avenue, East Marion. SCTM# 1000-31-17-6

Number three, **GULL POND LANE, LLC, c/o GREGORY CASSIMOS** requests an Administrative Amendment to Wetland Permit #9022 to include water and electric to the dock and bulkhead.

Located: 875 Gull Pond Lane, Greenport. SCTM# 1000-35-4-28.42

Number four, **RICHARD & ALICE RUBINSTEIN** request a Transfer of Wetland Permit #9106 from John Rumpler to Richard & Alice Rubinstein, as issued on October 18, 2017.

Located: 470 Goose Creek Lane, Southold. SCTM# 1000-79-1-5

Number five, **RICHARD & ALICE RUBINSTEIN** request a Transfer of Wetland Permit #5049 from Virginia Rumpler to Richard & Alice Rubinstein, as issued on August 30, 1999.

Located: 470 Goose Creek Lane, Southold. SCTM# 1000-79-1-5

Number six, **RICHARD & ALICE RUBINSTEIN** request a Transfer of Wetland Permit #4008 from Virginia Rumpler to Richard & Alice Rubinstein, as issued on May 1, 1992.

Located: 470 Goose Creek Lane, Southold. SCTM# 1000-79-1-5

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).

VI. PUBLIC HEARINGS:

TRUSTEE DOMINO: At this time I'll take a motion to go off our regular meeting agenda and enter into the public hearings.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE DOMINO: This is a public hearing in the matter of the following applications for permits under the Wetlands ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public. Please keep your comments relevant and if possible, brief.

AMENDMENTS:

TRUSTEE DOMINO: Number one, under Amendments. En-Consultants on behalf of **MATTITUCK PROPERTY FAMILY TRUST** request an Amendment to Wetland Permit #8996 to construct a ± 20 linear foot landward extension onto the recently constructed low-profile vinyl groin.

Located: 520 Park Avenue Extension, Mattituck. SCTM# 1000-123-2-28.4

The Trustees did a field inspection on February 7th at 12 o'clock sharp. Our notes indicated that there is a question if the amendment required DEC approval; and that the 20-foot extension would be in line with the current groins, neighboring groins; and suggested that the landward height of the new extension be in line with the bottom steps of the stairs.

The LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that he questions whether the structure will help protect natural structures, natural geologic

features, and wishes to protect public access along the foreshore, for avoidance and minimalization of structure.

The Conservation Advisory Council resolved not to support the application to amend this permit as it contradicts the original approval. The existing groin is underwater at both tide cycles and landward aggression is environmentally detrimental to the subject property and surrounding properties. And that it would impact the littoral drift of sand.

Is there anyone here to speak to this application?

MR. HERRMANN: Yes. Rob Herrmann of En-Consultants on behalf of the applicants.

I thought this was a pretty benign application. It's getting a lot of flak, so let me see if I could go through it quickly.

In April of 2017, the Trustees issued Wetlands Permit #8996 which was to replace a then-existing 56-linear foot timber groin with a shorter 48-foot groin, low profile vinyl groin, with the reduction coming as a result of the removal of the outermost eight feet on the seaward side of the groin. So the groin that you see there is eight feet shorter than the groin that you originally reviewed, as that outer section was permanently removed.

The groin already extends just landward of the intertidal zone, so in terms of the groin's impact with respect to the littoral drift, what is being proposed would have absolutely no impact at all.

What we are proposing is a landward extension of the groin. This is actually very similar to what ended up happening at 220 Park Avenue Extension a few years ago for the Powers' property, where we had a historically existing groin, that was replaced, it was shortened, and then it turned out that just because of increased erosion, rising sea level, all the things that are contributing to the new dynamic on the beach there, that during spring high tides and storm high tides, the water was outflanking the landward end of the groin.

So we proposed to extend the groin. I think to try answer some of your questions, yes, it would be an exact linear continuation of the groin that is there, it would just go landward by an additional 20 feet. Again, that section would occur completely landward of the intertidal zone. It's above mean high water. The goal is just to get the end of the groin above the point in the beach where spring high water hits and is outflanking and eroding around the end of the groin.

It does need approval, modified approval from the New York State DEC, which has been issued. I think I sent a copy to Liz. She is nodding, yes, I did. And so we are now here asking for your approval.

And just as a point of reference, that other permit was Wetlands Permit #7278. It was originally issued in April, 2010, at 220 Park Avenue Extension, and then a couple of years later we had to come back and proposed a 30-foot landward extension of that groin that was approved under a separate permit, #7803 issued by Trustees May 16th, 2012.

So in terms of it being consistent in nature with the other

groins, it's at least consistent with that one 300 feet at the beach.

As I said, it really should be a pretty straightforward application. I don't understand the Conservation Advisory Council or LWRP's interpretation that this would create a negative impact on the beach or public access or the littoral drift. But that's all I can give for you.

TRUSTEE KRUPSKI: I think we have to at some point consider the code and public access. What about just a small set of steps going up and over somewhere on the groin?

I don't think we previously discussed that amongst the Board. I'm just throwing this out there.

MR. HERRMANN: I mean, it would be unusual to have that on a low profile groin. I mean, that beach has definitely dropped.

TRUSTEE KRUPSKI: I don't necessarily disagree, but to satisfy the concerns of the LWRP coordinator and the Conservation Advisory Council.

TRUSTEE DOMINO: How about placing sand of similar grain size and an unspecified yardage. I won't say it's 50, you know, sufficient sand, landward of what is presently there to sort of blend in with the existing dune that you have and therefore ease the access.

MR. HERRMANN: In terms of the issue of access, that would not be a permanent solution because I have a feeling that it would probably, it would certainly have the potential to be lost. Um, I mean you would still be able to walk around the landward side of the groin. That's why you are not cutting off access along the beach.

First of all, you can step over it. But you can still, you would still be able to easily walk around it. It's not like this is being tied into the house or the deck or in some way precluding public access.

If you were to -- I guess the reason why, Nick, I'm trying to think in terms of the plan, the steps -- you would not want to put the steps below regular high water, mean high water, so you would have to put the steps, you know, up closer where spring high water is, which is at that point almost at the end of the groin. So if I was going there and I could walk here and walk up steps or walk another three feet this way and walk around it, I would probably just go around the end of it.

TRUSTEE KRUPSKI: What about some sort of signage to say there is public access around the top of the groin?

TRUSTEE BREDEMEYER: We have not had that as an issue in the past. Most people understand they have rights to the foreshore, would just exercise that right.

I think we have not embarked on that as a policy and I think that would be something to discuss at work session if we want to have that on all groin or dock extensions as a matter of policy or permanence.

MR. HERRMANN: We normally do it with docks. And I understand that. I mean, the docks are intended to be elevated, they are required to be elevated. You don't want to force people to

either climb over them or go on their hands and knees underneath them. And we typically do include the stairway. For me, it's something unusual for a groin, I don't think it's necessary and -- go ahead.

TRUSTEE BREDEMEYER: What we did notice on field inspection was the loss on the, the landward of the upward section of the groin as it exists now, may be a function of the prevailing southeasterly fetch and storm tides eating it out. So I think there was some discussion about some additional, non-specified amount of sand and possibly replanting with hopes that it would be some kind of connector to the primary dune, and that would naturally, hopefully, if the beach is stabilized in the vicinity of where the beginning of the primary dune is, that quite possibly this would not be an issue, because instead of loss of beach landward of the groin, it might stabilize and capture more sand. Maybe that is wishful thinking.

MR. HERRMANN: I mean, there is no natural feature, no natural dune feature that close to the water. That's part of the problem. You would have to almost connect it up to the road, at which point you are filling the whole property.

TRUSTEE DOMINO: To Trustee Bredemeyer's point, if you look at groin that is to the west, it's much further up the beach than what is -- comparable to what you are proposing, it appears it has stabilized the beach there. Whereas right now on the landward side of the existing groin you can see it has been scoured out. So I have the feeling that -- you can see there, if you extend it 20 foot landward at the same elevation and put some sand --

MR. HERRMANN: So try to transition it more. I see what you are saying.

TRUSTEE DOMINO: It might work.

TRUSTEE BREDEMEYER: You see in the photographs, the easterly groins don't have any connectors and/or are in great disrepair and that's probably at least in part some of the additional wave energy that high tide is probably over the groins and it's not stopped at all.

MR. HERRMANN: We can try it.

TRUSTEE WILLIAMS: And filling in that sand to an appropriate amount would also ease the public access.

MR. HERRMANN: We can certainly try it. I would have to come back to you. Do you want to hold it over until March and I can speak to the homeowner and the contractor and see if we can come back with some sort of modified plan that would show the --

TRUSTEE GOLDSMITH: Sure.

TRUSTEE KRUPSKI: Fine with me.

TRUSTEE DOMINO: All right.

MR. HERRMANN: I mean, they want to get it done. It's not an emergency.

TRUSTEE DOMINO: Anyone else wish to speak to this application?

(Negative response).

Any questions from the Board?

(Negative response).

TRUSTEE DOMINO: All right, hearing none, I'll make a motion to

table this application.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you, for the discussion.

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE BREDEMEYER: Next hearing, number one, under Wetland and Coastal Erosion permits, DKR Shores, Inc., on behalf of **MARIJO C. ADIMEY & VERONICA M. LUGRIS** requests a Wetland Permit and a Coastal Erosion Permit to remove and replace in-place 84' of existing vinyl bulkhead with new steel sheet piling bulkhead; install two (2) 20' long returns; backfill disturbed area with 45 cubic yards of clean fill from an upland source; revegetate disturbed areas with Cape American beach grass and native species of shrubs; temporarily remove and replace in-place existing bluff stairs with two (2) 12'x16' decks; reconstruct existing 4'x5' cantilevered platform and aluminum beach access stairs; and install French drains at top of bluff to reduce rain runoff on the bluff face.

Located: 21515 Soundview Avenue, Southold. SCTM# 1000-135-1-5

This application has been deemed to be inconsistent with the Town's LWRP because certain structures on the property never received a Trustee permit.

And the recommendation of the LWRP coordinator is that we have some discussion of staging of equipment and work plan to provide protection for the bluff and water during the course of construction.

The Conservation Advisory Council does not support the project as applied for. The rear setback of 16 feet from the bank is inadequate. The Conservation Advisory Council recommends a new design plan due to a history of erosion in the area.

To the file has been sent two letters, lengthy letters that the Trustees have had an opportunity review at work session, one dated February 12th signed by multiple individuals: Matthew Cappabianca, Walter and Elaine Flesh, Chris and Sandy Nuzzi., and another dated February 3rd, which is I believe by the owner of the property, a Marijo Adimey.

The Board of Trustees performed an inspection on February 9th. At the time of inspection we found at least one and possibly two pipe penetrations of the bluff, which would be contrary to good practice, and we'll discuss that further during the hearing.

And there was work being done at a bluff repair for which a contractor was ordered to submit an emergency application. Otherwise, the Board viewed the reconstruction of a bulkhead here as necessary to protect the property.

Is there anyone here who wishes to speak on behalf of this application?

MS. RIGDON: Agena Rigdon, DKR Shores, here to represent the

applicant. If you could specify which particular structures you did mention did not have a Trustee permit?

TRUSTEE BREDEMEYER: Yes. Specifically the decks exceed the size -- the decks are not permitted, based on the information we have from the LWRP coordinator, and they exceed the allowed size under the provisions of the Wetlands ordinance because they are decks associated with steps.

And the Board then had a further discussion at our work session, which might lead to recommendations for a permit, but we'll bring that up as the hearing progresses. But we thought possibly to dial the lower deck in size and possibly recommend some construction techniques to make sure it's stabilized because it's in a coastal erosion area.

MS. RIGDON: Okay. The decks in question did have a previous permit, as you are aware, for 12x16. It's possible they could not have constructed exactly 12x16. If they did measure, and you are in fact correct, we could have that possibly corrected. Yes.

TRUSTEE BREDEMEYER: Okay, I think based on what the Board saw in the field, although we would prefer to have the upper deck landward of the bluff face, it was discussed at work session that it would do more damage to the bluff at this time, which is also under construction because the emergency blowout, that the Board's feeling was the upper deck is sufficiently high above the re-vegetation that it should not impact the bluff. But the lower deck we would want to have it reduced to no greater than 100-square feet and be fastened with stainless steel fastenings. That would stabilize it in case wave action were to overtop -- overtopping the bulkhead in this area has been a frequent occurrence now, bulkheads and homes similar situated, so we would not want to have the deck ripped up and end up into Long Island Sound creating a hazard.

MS. RIGDON: I understand. And does the Board have a problem with the elevation of the deck being where it is? Or did they want it on grade?

TRUSTEE BREDEMEYER: The Board discussed we would prefer to have that lower deck essentially on grade. Certainly below the lip of the edge of the bulkhead so that it would not be catching any wave energy.

MS. RIGDON: And the 4x5 platform and the removable staircase, does the Board have an issue with that?

TRUSTEE BREDEMEYER: That has not been an issue. Removable stairs and/or --

MS. RIGDON: Is recommended. Is normal.

TRUSTEE BREDEMEYER: They have become ordinary.

MS. RIGDON: And the Board is comfortable with the stone splash pad, which is standard, in case of splash over?

TRUSTEE BREDEMEYER: Yes.

MS. RIGDON: I understand the bulkhead was repaired out of emergency purpose because of the blizzard of '18 did cause holes in the fiberglass sheathing. So there really was not a choice. She did have to save the bulkhead, and it was an emergency repair. There was no time, unfortunately. I did call Liz, I did

make her aware of it. I did e-mail her that an emergency repair had been done.

TRUSTEE BREDEMEYER: And I believe in the context of the photograph you see here, for the restoration, ordinarily the emergency repairs require a return to the Board for full permitting. We want to entertain a discussion for ultimate plans for bluff stabilization, whether it will include a hard terracing or coir logs which are similarly applied on the eastern section. In other words, we want for that permit, but not really part of this hearing, we would want to have a detailed work plan as to what the end construction will look at so the Board can review what it will look like after the emergency stabilization.

MS. RIGDON: I will have to consult the client.

TRUSTEE BREDEMEYER: That's not now. We are not doing that now. That's not for this discussion. I just mention it because it's in the photograph. Also to address the LWRP coordinator's concerns about staging.

MS. RIGDON: I see the terracing. The staging of equipment would be on the adjacent owner's property who is actually going to be coming in for bulkhead reconstruction permits as well.

TRUSTEE BREDEMEYER: This is the owner to the east?

MS. RIGDON: Correct. And you can see there is machinery access going through their property.

TRUSTEE BREDEMEYER: So you anticipate that we would see an application for the adjoining owner and then the work might progress as a one-step permits are issued, when and if for both properties, would progress in single access at the same time.

MS. RIGDON: Correct. And as you can see the bluff plantings were designed specifically with a shrub as well as not just beach grass.

As far as the terracing, it was not in my plan. That was just an emergency. I generally don't put terracing in the planting. It's generally not within my planting schedule.

TRUSTEE BREDEMEYER: I believe for the sake of clarity, the Board is looking to see that as far as a separate permit application. Totally separate from this application before us.

MS. RIGDON: Great. There is a current permit right now that was modified. It's totally separate. I didn't do it. Done by Creative Plantings, was it? Dave? I think Creative Plantings did it and I'll have him do the planting in a separate permit action.

TRUSTEE BREDEMEYER: Okay, with respect to -- any additional questions from the Board?

TRUSTEE KRUPSKI: The two pipes.

TRUSTEE BREDEMEYER: Yes. You are proposing a French drain. Are you aware of the bluff penetrations and the drain pipes? Now this --

MS. RIGDON: I didn't see that.

TRUSTEE BREDEMEYER: That appears to be ice that froze through discharge that may have been either some kind of overflow from drywells or directly from the gutters and leaders, which is certainly to your own disadvantage because it can blow the bluff out.

TRUSTEE WILLIAMS: There is two of them penetrating the bluff.

MS. RIGDON: She was not aware that was there, and apparently when the bluff washed out, that appeared. She had just purchased the property and didn't realize that was actually there. So that's probably why, actually, the bluff did slough, was the runoff. And I did make her aware that during the project we would have to do French drains like we did in the Lancey project because part of the reason the bluff is collapsing is because the rain runoff coming down. So that is part of the project and is mandatory.

TRUSTEE BREDEMEYER: The French drain does not appear --

MS. RIGDON: It's on the plan.

TRUSTEE BREDEMEYER: It's on your plan?

MS. RIGDON: Yes.

TRUSTEE BREDEMEYER: It's not on the survey.

MS. RIGDON: No. It's on my site plan. And if you'll note, it's up on the top and here is a copy of the DEC permit as well. It's stamped approved and does show also the French drain. There is two, one on each side.

TRUSTEE BREDEMEYER: All right. Before I open this up to some additional Board discussion it would be appropriate to see if anyone else wishes to speak to this application.

MS. DELANEY: My name is Melissa Delaney, I'm submitting letters from the adjacent property owners asking to adjourn a decision on this.

TRUSTEE BREDEMEYER: Okay.

MS. DELANEY: I think it was E-mailed, but I do have copies.

TRUSTEE BREDEMEYER: Sure, if you could give them to the clerk.

MR. HAGAN: This should be the letter that is referenced. It's the same one.

TRUSTEE BREDEMEYER: It's the same one? That's the February 12th letter?

MR. HAGAN: Yes. From Matthew Cappabianca that was referenced earlier.

TRUSTEE BREDEMEYER: Yes, that was referenced.

MS. DELANEY: Yes. They could not attend tonight.

TRUSTEE BREDEMEYER: Good, I wanted to make sure that was understood.

Is there anyone else that wishes to speak to this application?
(Negative response).

Going back into Board discussion, President Domino informed me that, quite properly, that because we have the situation of the pipes going through the bulkhead, that a licensed design professional and probably engineer or PE should probably be the one to submit a detailed drainage plan for review by the Town engineers to make sure that waters that are going to be routed to a French drain or any sub-surface drainage system would be properly engineered so we don't create a situation that encourages bluff failure in the future, particularly because of the close siting of the structure to the Sound bluff.

MS. RIGDON: That's acceptable.

TRUSTEE BREDEMEYER: And if the Board members also would have any

additional thoughts, but because of concern about protecting the lateral lands of adjacent neighbors, there would be, I think it would be prudent that we have a detailed staging and work plan that would entertain all aspects of the bulkhead construction with respect to the neighbors on the east and on the west for staging purposes, and if it is true that the neighbor to the east will grant you permissions to conduct activities by staging on their property or beach access, we would need a letter of permission from the easterly neighbor for the file as well.

MS. RIGDON: I believe that was E-mailed to Liz by all four property owners to the east.

MR. HAGAN: Just with regards to the e-mail that came in, it came in in a Word document, it was not signed and there was no way to authenticate it was in fact a consent for that.

MS. RIGDON: I'll get the originals for you.

MR. HAGAN: So it's a signed original?

MS. RIGDON: I'll get you a signed original for all four owners.

TRUSTEE BREDEMEYER: Are there any additional comments or concerns?

(No response).

I think this would go a long way, staging plans, engineering discussion for review by the Town engineers, possibly an amended plan that would reduce to the recommended size for the lower deck by the Trustees with stainless or similar fastenings at or very near grade would go a long ways with a future submission to detail all those and with the approval of the engineers would address the inconsistency of the LWRP coordinator and would systematically provide protection under coastal erosion and bring it into compliance.

MS. RIGDON: Would the Board consider closing for written submission?

TRUSTEE BREDEMEYER: Yes, we would consider tabling for resubmission.

MS. RIGDON: Thank you, sir.

TRUSTEE BREDEMEYER: I'll make a motion to table this application for submission of additional items as discussed at the hearing.

Any further comments?

(Negative response).

I move that we table.

TRUSTEE WILLIAMS: I second the motion.

TRUSTEE DOMINO: Motion made and seconded. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Under Wetland and Coastal Erosion permits, number two, Michael Kimack on behalf of **SOUTHOLD SUNSETS, LLC** requests a Wetland Permit and a Coastal Erosion Permit to demolish existing one-story dwelling, decks and foundation; construct on a piling system to elevate the finished floor to 16ft. elevation a proposed 957.77sq.ft. one-story, single-family dwelling with a combined 262.75sq.ft. of seaward side porch area with 7.6' wide stairs to ground, and side deck

area with 4' wide stairs to ground. Located: 4200 Kenny's Road, Southold. SCTM# 1000-54-4-3

This application is returned to us for submission of a sanitary system on the plans.

The Conservation Advisory Council did not support this application. They made no further recommendation from the previous reviews. They have continued to have concerns about the preservation of the primary dune which has been the subject of Trustee discussion at work session.

The LWRP coordinator raises two essential issues under the Town's coastal policies. He is concerned with minimizing the potential loss and damage by locating and developing of structures away from flooding and erosion hazards and avoid development other than water dependent uses in coastal areas, and that in the event the action was approved, that the Board should consider an alternative onsite waste water system which also was discussed in detail at the Trustees recent work session.

Is there anyone here that wishes to speak on behalf of this application?

MR. KIMACK: Michael Kimack on behalf of the applicant. The two concerns in terms of protecting the primary dune, as was discussed at the workshop hearing, we are going to replace the septic system one way or the other and the only place we can put it is on the back side of the primary dune. There is no other alternative to that in terms of the site situation.

As far as the water dependent activities and protecting the beach area, as has been discussed before, it's the intention to raise the existing structure with a new structure, essentially in the same location. So there is not any disturbance upon which has already been disturbed. So that basically should not necessarily be an overriding factor, I believe, in that situation.

TRUSTEE BREDEMEYER: Any questions from the Board?
(Negative response).

Okay, is there anyone else who wishes to speak to this application?

(Negative response).

Okay, hearing none --

TRUSTEE KRUPSKI: Sorry. Do we have a revegetation plan on that?

TRUSTEE BREDEMEYER: No. That was in my short list of addressing -- okay. Hearing no -- I plan to bring up at permitting a discussion on revegetation. It's on my short list. It's brought up by Trustee Krupski.

Hearing no further comments I move the close the hearing in this matter.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: In addressing the LWRP coordinator's comments, the applicant has worked with the Board and reduced the size of the structure to come into compliance with coastal erosion size requirements, and also by honoring flood zone

requirements and putting the house up on pilings, it essentially does address concerns about at least damage to the primary dune and actually will allow more area to flourish as primary dune, but of course the sanitary system construction and construction itself will end up damaging the primary dune during construction.

So accordingly, I would move to approve this application subject to submission of a planting plan for American beach grass in all disturbed areas and over the sanitary systems and whereas the structure has been raised to meet flood plane elevation, it's on pilings, and it is compliant with basically flood plain zone and building codes, as far as we know, that it addresses concerns about the nature of the property. Although it is not a water dependent use, it has a history of single-family occupation.

So I move to approve subject to a planting plan and whereby the construction itself and the application addresses the matters brought up by the LWRP coordinator, the Board would consider it a consistency. All construction in the manner as depicted on the survey last dated December 27, 2017, by G&A Land Surveyors.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. KIMACK: Quick question. Thank you. This is a little unusual. But your approval was necessary for me to go back to Zoning because I was referred from Zoning. Is that something that you would do to acknowledge to them or do I have to wait for the permit then physically give that to them in order to reestablish a hearing date.

MS. CANTRELL: They need a copy of the permit. They have to wait.

MR. KIMACK: Then I'll get that. Thank you, very much.

WETLAND PERMITS:

TRUSTEE GOLDSMITH: Number one under Wetland Permits, En-Consultants on behalf of **THOMAS & LINDA KELLY** request a Wetland Permit to remove existing fixed catwalk, ramp, and floating dock, and replant any disturbed tidal marsh vegetation in-kind/in-place; maintain existing 335sq.ft. on-grade walkway and patio area consisting of loose stone pavers set in soil on top of berm and associated 3.5'x8' stone steps; remove existing mulch and landscaping from approximately 175sq.ft. portion of non-disturbance buffer; remove approximately 340sq.ft. of existing mulch from cleared pathway that extends onto easterly neighboring property within 100 feet of wetlands; reduce width of existing cleared/mulched pathway to 4 feet by restoring approximately 1,350sq.ft. of pathway with native vegetation; and clear and maintain new 4' wide pathway from existing 12'x16' timber kayak rack (to remain) to the tidal wetlands boundary along Long Creek.

Located: 4553 Wickham Avenue, Mattituck. SCTM# 1000-107-4-13

The LWRP found this consistent and inconsistent. The inconsistency states the proposed work is included within the 50-foot wide non-disturbance buffer established in permit #7149 dated July 22nd, 2009. Although undefined in Town code, it's my understanding an undisturbed buffer is an area that shall be left in a natural state.

The Conservation Advisory Council resolved to support the application however the violations within the non-disturbance buffer need to be addressed.

The Trustees conducted a number of field inspections to this location, most recently on January 9th, along with subsequent in-house review.

Is there anyone here who wishes to speak regarding this application?

MR. HERRMANN: Yes. Rob Herrmann of En-Consultants on behalf of applicants Thomas and Linda Kelly.

This is an application that is intended primarily to rectify a handful of aforementioned violations on the property which have been settled with the Town Attorney's office but still need to be remedied with the Trustees through the Wetlands permitting process.

To that end, I recently met with the Board at the site last May, and based on the guidance received at that meeting prepared and filed the application that is before you tonight.

As a quick summary of what is contained in the application, which again is for the most part removal and restoration of structures and activities within the previously designated buffer areas, most significantly including the proposed removal of an unpermitted dock that was constructed along the creek, and to restore any disturbed tidal wetland vegetation in the location of the removed dock; to remove existing mulch and landscaping from approximately 175-square foot area of the non-disturbance buffer that is currently in place; to remove an approximately 340-square foot mulched area from an existing pathway located within 100 feet of the wetlands boundary, to reduce the width of the existing cleared pathway through the buffer to four feet by restoring approximately 1,350 square feet of existing clearing with native vegetation and again, any mulch or landscape vegetation in those areas would be removed in favor of native vegetation. And in addition, we are seeking the Board's permission to maintain what is an existing on-grade loose paver walkway and sitting area that exists on top of an artificially created berm that predates, I don't know how long it goes back to, but that was not established by the current owner. And to maintain an existing kayak rack and to create a pathway from the kayak rack to the tidal wetlands boundary so that the owners continue to at least have some recreational use and enjoyment of the creek.

I think you had, I don't know if that was the picture for this site or not, but there was one item that we had discussed

at our site meeting that I did not include in the application, I think probably because I didn't remember it and didn't know how to include it. But there was apparently some sort of irrigation in place in the buffer area. Um, we would remove that, but I would ask the Board to consider allowing it to remain long enough to establish the native vegetation that has to be planted in place of a clear pathway. So we would establish that vegetation, allow it to be irrigated, then it would have to be removed so, I don't know exactly what mechanism you would use but in order to get a C of C, I would suggest making the C of C issuance contingent on both the vegetation being established, everything else being restored and the irrigation being gone, the same way you would require electrical approval from the Building Department before issuing a C of C for a dock permit. And that's it.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

TRUSTEE KRUPSKI: I think, if anyone feels differently about this I'm certainly open to discussion, but we had discussed possibly leaving the much because at this point it's mostly broken down and will it cause more disturbance to try and rake that up. I don't know if it's worth it.

MR. HERRMANN: It makes sense, I think, in my opinion, substantively it would make sense to leave it. Basically we are proposing to remove it, symbolically, but I think as long as the areas that are, I mean basically that whole buffer with the exception of that four foot pathway has to be revegetated. So the mulch is not going to inhibit the revegetation, as you say, it's organic much so it will just break down and become part part of the soil over time.

TRUSTEE BREDEMEYER: A lot of it will get lost during the revegetation.

TRUSTEE KRUPSKI: That's what I would think, yes.

TRUSTEE WILLIAMS: In the field we discussed just for safety of the owner to access the wetlands, you know, if he wanted to, in his pathway to put some steps into that berm to make it easier to traverse. That's option.

MR. HERRMANN: There is a small set of steps. It's just paver steps on the landward side of the berm sort of beyond where you are standing up there.

TRUSTEE WILLIAMS: If they want to put foot steps on the seaward side to get safely down the bank so you are not slipping down the bank.

MR. HERRMANN: I think we were proposing the path, Greg, from that kayak rack actually goes around the end of that. So at this point I would rather not propose any other structural --

TRUSTEE WILLIAMS: Sounds good.

MR. HERRMANN: Quit while we are behind, so to speak.

TRUSTEE GOLDSMITH: Any other questions or comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you, for the time spent with me on this.

TRUSTEE GOLDSMITH: I make a motion to approve this application with the condition the mulch can remain due to the fact that removing it may cause more disturbance to the non-disturbance area and that the current irrigation system to remain in place until the Fall, at which time the heads are to be removed and the zone to be deactivated, all of which would satisfy the LWRP coordinator due to the fact that we will not be disturbing the non-disturbance area any further.

TRUSTEE DOMINO: Is there a second?

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number two, Robert Barratt, P.E. on behalf of **RENEE PONCET** requests a Wetland Permit to construct a 1,750sq.ft. Two-story, single-family dwelling with attached garage, sanitary system on landward side of dwelling, and driveway. Located: 702 Wiggins Lane, Greenport. SCTM# 1000-35-4-28.36

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council resolved to support this application.

On the 7th of February, the Trustees visited the site, noted that it needs Planning and ZBA to look up the permit for the bulkhead and the survey.

Is there anyone here that wishes to speak regarding this application?

(Negative response).

Are there any comments from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

MR. HAGAN: Before we take a vote on that, do you want to make a comment on this?

TRUSTEE KRUPSKI: Can I do a brief summary prior to?

MR. HAGAN: Yes.

TRUSTEE KRUPSKI: Thank you. The lot in question is currently not recognized in the Town of Southold as being a legal, buildable parcel and therefore corrective measures must be taken before an applicant can make a submission to the Board. Is that appropriate?

MR. HAGAN: That's enough to make a motion.

TRUSTEE KRUPSKI: I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to deny this application without prejudice due to the legal ramifications of not being a legal parcel within Southold.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: Number three, under Wetland permits, Cole Environmental Services, Inc., on behalf of **OLE JULE DREDGE COMPANY, LLC**, **clo MARK DAVIS** requests a Wetland Permit to dredge an approximately .22 acre area of underwater lands within an existing canal to a depth of -4 MLW; approximately 750-1,000 cubic yards of dredge spoils will be deposited in various bermed temporary offloading areas on three properties abutting the canal for a combined total of .04 acre of upland area used for de-watering of dredge materials; equipment access and staging areas to be located through the three upland properties. Located: Canal within James Creek, 1570 Ole Jule Lane, 1700 Ole Jule Lane, & 1780 Ole Jule Lane, Mattituck. SCTM#'s 1000-122-4-44.8, 1000-122-4-3, 122-4-4, 122-4-5

The LWRP coordinator deemed this to be inconsistent.

In order to comply with Trustee regulations regarding the spoils being moved to an upland area, although a dewatering and staging area are shown on the plans, all dredging applications must demonstrate a specific location for deposit of dredging material.

Also, erosion control measures, all intertidal construction excavation requires the installation of a silt boom that would retain all suspended sediments within the immediate project area.

The Conservation Advisory Council voted to support the application, however requests an identification of the disposition of spoils as well as an analysis of the spoils.

The Board of Trustees did visit the site on January 9th and we discussed it in-house on the 7th of February.

At this point I would like to open this up to public hearing. Is there anybody who wishes to speak on behalf of this application?

MR. COLE: Good evening, my name is Dennis Cole, Cole Environmental Services, representing Ole Jule Dredge Company, LLC. I'm here to answer any questions you may have.

TRUSTEE KRUPSKI: I think to address the LWRP coordinator we would need to see in the plans on land a silt fence with possibly hay bales and then offshore there, silt boom to contain while the work is commencing.

MR. COLE: That's not a problem.

TRUSTEE BREDEMEYER: A question has just come up. Trustee Krupski is indicating concerns about placement of dredge spoil. Have you designated an upland site at this point?

MR. COLE: No, it's to be determined.

TRUSTEE BREDEMEYER: In the past, the Board has accepted upland disposal. There is not a history of industrial operations or

anything that we are particularly concerned about the characteristics of the spoil. So I open it up, I don't know how the Board feels, but designating that it going to an upland site -- TRUSTEE WILLIAMS: As long as it is a designated upland site, I think that's fine.

Is there anyone else that wishes to speak to this application? (Negative response).

Any comments from the Board?

(Negative response).

At this point I make a motion to close the public hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: At this point I make a motion to approve the application with the addition of a silt boom and also a silt fence with hay bales on the plans, and thereby bringing it into consistency with the LWRP. That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number four, McCarthy Management, Inc., on behalf of **TIMOTHY CASAMENTO & KLEO KING** request a Wetland Permit to construct a 28'x46' detached garage.

Located: 2667 Long Creek Drive, Southold. SCTM# 1000-52-9-1.2

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council resolved unanimously to support this application.

The Trustees did a field inspection on February 7th and the field notes indicate that it was almost non-jurisdictional and suggested a non-disturbance buffer.

Is there anyone here to speak to this application?

MR. MCCARTHY: Tom McCarthy, McCarthy Management, on behalf of Tim Casamento and Kleo King. I'm happy to answer any questions.

Just a little bit of a background on this particular lot.

It is a corner lot and the homeowner is desirous of a detached garage. And with setback restrictions, we met with Michael Verity of the Building Department and as we know we can't have a detached structure in the side yard without having a variance, so we worked out where the yards were, how the garage had to be situated on the lot and still be compliant with the private covenants and restrictions that are within the subdivision, and it really left us with this particular location. And we see it as somewhat of de minimis impact on the land there. The subdivision has had 60 some odd acres preserved when the subdivision was in front of your Board a number of years ago and in front of the Health Department, New York State DEC and Planning Board. So with this approved lot, we would ask for your cooperation for this structure.

TRUSTEE DOMINO: If we could discuss the section for a second. The non-disturbance buffer. There is a line on the survey, the

Woychuk land survey, August 2nd, 2017, limits of the tidal wetlands flagged by Robert Fox, May 30th, looks like 2003. If we could use that as a starting point and perhaps 50 feet landward of that, remain as a non-disturbance buffer, it would go a long way toward keeping this beautiful piece of property environmentally safe.

MR. MCCARTHY: Understood. So I just uncovered the note here, so looking at the limits of tidal wetlands delineated by R. Fox on May 30th, 2003.

TRUSTEE DOMINO: Right, in the rear the property.

MR. MCCARTHY: Yes, we consent to a 50-foot non-disturbance from that line.

TRUSTEE DOMINO: Anyone else wish to speak to this application? (Negative response).

Any other questions from the Board?

(Negative response).

TRUSTEE DOMINO: Hearing none, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as submitted with the understanding that there will be a non-disturbance zone 50 feet landward from the limits of the tidal wetlands line delineated by Robert Fox on May 30th, 2003, shown on the Kenneth Woychuk land survey of August 2, 2017.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor? (ALL AYES).

MR. MCCARTHY: Thank you. Happy Valentine's Day.

TRUSTEE BREDEMEYER: The next application, number five, Latham sand & Gravel, Inc. on behalf of **BREWERS YACHT YARD AT GREENPORT, INC.** requests a Wetland Permit to re-sheath the inside of 202 linear feet of existing bulkheading using vinyl sheathing, and replace fender pilings and backing as necessary; raise 30' of existing bulkhead 29" to match the height of the rest of the bulkhead; remove and replace in-place 50' of bulkhead, and raise the height an additional 29" to match the height of existing bulkheading.

Located: 2530 Manhasset Avenue, Greenport. SCTM# 1000-43-3-2

This is deemed to be consistent with the LWRP.

The Conservation Advisory Council supports the application with the recommendation that it be raised no higher than 24 inches.

The LWRP coordinator in his ruling determining it's consistent indicated there should be a silt boom and silt fence.

And the Board recognizing those facts felt that the application was straightforward when we inspected in the field. And we did discern that the height raises apparently for the seaward section to bring it into consistent elevation with the existing structures.

Is there anyone here who wishes to speak on behalf of this application?

MR. HOCKER: John Hocker, Latham Sand and Gravel, representing Brewers Yacht Yard. I don't have a real problem. The 29 inches brings it up to the height of the parking lot. They are not planning on extending that parking area. The wooden retaining wall that separates the area will stay in place, it will probably be a picnic table or whatever. We'll take the deck out. It needs to come out for construction anyway. And it won't be getting replaced. So that's why I included --

TRUSTEE BREDEMEYER: They are going to continue to have, say gravel --

MR. HOCKER: It will be non-turf.

TRUSTEE BREDEMEYER: It will be a non-turf area.

MR. HOCKER: I think I drew in there a ten-foot non-turf, whatever you want. I don't think any of it will be turf. Nobody will want to mow it. The main reason we are raising it, I don't know if you guys have the storm photos but you can see the storm tide come over the top of that wall. It's been washing it out from the back. The ramps go up like this.

TRUSTEE BREDEMEYER: We saw it.

MR. HOCKER: So if they want 24 inches I don't care. It will be one step down to the picnic area, so.

TRUSTEE BREDEMEYER: No sense having a trip hazard, so. It's pretty straightforward. Anyone else here wish to speak to this application?

(Negative response).

Hearing no one, I make a motion to close the hearing in this matter.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would move to approve this application with the installation of a silt boom and fencing as necessary during construction and a stipulation that the picnic area be non-turf.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number six, L.K. McLean Associates, P.C. on behalf of **MATTITUCK PARK DISTRICT** requests a Wetland Permit to demolish two buildings (a 575sq.ft. comfort station and a 148sq.ft. shed), and construct a new 167sq.ft. comfort station; connecting new comfort station to upgraded sanitary system; and a re-vegetation plan using native beach grass species in the vicinity of the new comfort station and disturbed areas.

Located: Veterans Memorial Park, 11020 & 11280 Great Peconic Bay Boulevard, Mattituck. SCTM# 1000-126-6-17

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support this

application.

The Trustees conducted a field inspection on February 7th, noting that it is pretty straightforward.

Is there anyone here who wishes to speak regarding this application?

MR. DWYER: Good evening. Chris Dwyer from LK McLean Associates here to answer any questions that anyone may have.

TRUSTEE GOLDSMITH: Any questions?

(Negative response).

Is there anyone else here who wishes to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

TRUSTEE DOMINO: One question. The inch-and-a-quarter HDPE pipe that will go from the macerator, I guess, and pump it up to the septic?

MR. HOCKER: Yes. The only improvements with the sanitary is to put a new manhole in with the pump. The system stays in tact so no leaching, no new septic. We pretty much utilize everything that's there.

TRUSTEE BREDEMEYER: So you don't need a county health approval.

MR. HOCKER: No, we are in.

TRUSTEE BREDEMEYER: You are in.

MR. HOCKER: Yes.

TRUSTEE BREDEMEYER: So they'll require typically alarming or something on that. That's fine. You'll be in for it.

MR. HOCKER: Yes.

TRUSTEE BREDEMEYER: Thank you.

TRUSTEE GOLDSMITH: Any other questions or comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close the hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. HOCKER: Thank you, all.

TRUSTEE KRUPSKI: Number seven, Patricia C. Moore, Esq., on behalf of **SHAMGAR CAPITAL, LLC, c/o DANIEL P. BUTTAFUOCO, MEMBER** requests a Wetland Permit to construct a 20'x44' infinity edge swimming pool with an 8'x8' hot tub; a (2,291 sq.ft.) raised stone pool patio connected to the dwelling; construct an 8'x8.6' planting bed; install pool drywell for backwash; construct a 23" high by 57' long retaining wall south of proposed pool and patio; install 4' high pool enclosure fencing; and install a line of silt fencing and staked hay bales landward of bulkhead prior to and during construction. Located: 1165 Kimberly Lane, Southold. SCTM# 1000-70-13-20.7

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council resolved to support this application.

The Trustees visited this site on the 7th of February.

The notes indicate non-consistent outdoor lighting, pool okay, and to put the outdoor shower which is located by the retaining wall headed toward the beach on the plans.

Is there anyone here that wishes to speak to this application?

MS. MOORE: Yes. I have been warned that some of you have dates so therefore I'll be short and sweet. I don't know where the, you mentioned something about an outdoor shower. If you just tell me what --

TRUSTEE KRUPSKI: There is a walkway going to the beach and there is a gate at the walkway. It's actually there's a retaining wall, so there is a walkway going through the retaining wall going to the beach and there is an outdoor shower right there.

MS. MOORE: There is?

TRUSTEE KRUPSKI: It's just a shower head, probably to wash the sand and salt off quick. If we could just include it on the plans. There is no problem with it. That would be great.

MS. MOORE: So be it. I request to include it. Because you went that far, I didn't. So can we amend to include that and just, is that enough? Is that all right?

TRUSTEE KRUPSKI: Are there any other comments?

(Negative response).

Anyone else here wishing to speak to this application?

(Negative response).

All right, hearing nothing more, I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: And I make a motion to approve this application upon the submission of revised plans which include the shower, the outdoor shower.

MS. MOORE: Can I draw it in your files?

Because maybe somebody can tell me where it was. Because I don't know which side of the retaining wall.

TRUSTEE KRUPSKI: Do we want to see a new printout for legal purposes?

MR. HAGAN: I'm fine, if the Board is so inclined to accept your writing in the shower.

MS. MOORE: Fine. Someone will tell Liz where it is.

TRUSTEE WILLIAMS: If you face the water it's on the left side of the gate.

MS. MOORE: Because there is a retaining wall with the entrance, so it's on the left-hand side.

TRUSTEE KRUPSKI: We'll work that out.

MS. MOORE: Okay, that's fine.

TRUSTEE KRUPSKI: So I made my motion.

TRUSTEE DOMINO: Motion made. Is there a second?

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).

TRUSTEE WILLIAMS: Number eight, Patricia Moore, Esq., on behalf of **ROBERT RENGIFO & SARA COLLINS** request a Wetland Permit to demolish existing dwelling, wood deck, and abandon/remove existing sanitary system; construct new dwelling with attached decks within a 38'x60' footprint; new 11'9"x14'2" pervious staircase to ground using thru-flow decking; construct a 19'5"x27'6" pergola structure of roof of dwelling; install new sanitary system landward of dwelling; install gutters to leaders to drywells, and in accordance with Chapter 236 of the Town Code-Stormwater Management; construct new permeable driveway landward of dwelling; install subsurface water and electric surfaces; and for the existing 75' wide Redi-Rock block retaining wall.

Located: 2175 Bay Shore Road, Greenport. SCTM# 1000-53-4-14

The LWRP deemed this to be consistent.

The Conservation Advisory Council voted to support this application.

The Trustees did an inspection on February 7th. We have notes in the inspection to check on the permit for the Redi-Rock wall, approximately move back ten feet.

At this point I would like to open the public hearing. Is there anybody here who wishes to speak to this application?

MS. MOORE: Patricia Moore on behalf of Rengifo. Mr. and Mrs. are here. The last people in the room.

TRUSTEE WILLIAMS: I do have one thing to add. We found the permit for the retaining wall so if you want you can strike the verbiage from the resolution or you can agree to leave it. That's up to you.

MS. MOORE: As long as we don't have to move it, we can leave it in place, we can just include it because it will be in their name now as permit. Otherwise have I to transfer this permit into their name. So it seems to cover it.

TRUSTEE WILLIAMS: Okay. Any questions or comments?

MS. MOORE: No. Again, thank you, we all met at the site. I think we ALL went over the application pretty carefully. The wall actually may predate '77 because the DEC thought there might be non-jurisdiction here since the wall went along the east back both sides. So I'm actually revising our survey to include the wall for the DEC. But aside from that, no, unless you have questions, I'm happy to close the hearing and proceed.

TRUSTEE WILLIAMS: Anybody here wish to speak to this permit?
(Negative response).

Questions or comments from the Board?

(Negative response).

At this point I make a motion to close the public hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: I wish to make a motion to approve this application as submitted.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?

(ALL AYES).

MS. MOORE: Thank you. Have a fun time tonight.

TRUSTEE DOMINO: Number nine, Suffolk Environmental Consulting, Inc. on behalf of **PAUL & CAROLYN AZZARITI** requests a Wetland Permit for the as-built reconstruction of the existing dock assembly measuring $\pm 78'$ in overall length, consisting of a 4'x48' fixed elevated catwalk with open grate decking and supported by six (6) 6"x6" posts; a 3'x14' hinged ramp; and a 6'x20' floating dock secured by two (2) 6" diameter pilings in an "L" configuration.

Located: 1175 Waterview Drive, Southold. SCTM# 1000-78-7-15

The LWRP found this to be inconsistent. The inconsistency arises from the fact it was built, the structure was built without Trustee permits.

The Conservation Advisory Council resolved to support this application.

The Trustees did a field inspection, actually did several field inspections. The first was on January 9th, the second on February 7th, when we returned to more accurately measure the depth of the water since it was covered with snow and ice in January. The field inspection was done 11:22, which was just a little after low tide. The Trustees measured exactly two feet of water at the deepest corner of the float, we noted that it was an east wind, less than five miles-per-hour. All factors are important in determining depth of the water at the proposed dock.

Is there anyone here to speak though this application?
(Negative response).

Any questions or comments from the Board?

(Negative response).

TRUSTEE BREDEMEYER: Let the record reflect obviously we didn't hear anything since no one went to the podium to speak.

TRUSTEE KRUPSKI: With no one here to speak to it, my sentiments, I would just like to not see the dock go out further or even as far as it is, being rebuilt without a permit or application.

TRUSTEE BREDEMEYER: I believe the discussion we had at our work session and the detail of the time that the chairman has read into the record indicates that this actually would have been a low tide with favorable conditions when waters would typically be in the creek, and I was not at the end of the measuring devices but was it true we were looking at what, less than 18 inches, 12 inches in one case?

TRUSTEE KRUPSKI: Depending on where we were on the float, yes.

TRUSTEE GOLDSMITH: On the landward end, yes.

TRUSTEE WILLIAMS: On the landward end, we were about eight to

ten inches. On the seaward end, we were under two feet.

TRUSTEE KRUPSKI: At or under, basically.

TRUSTEE DOMINO: Like I said, two feet at the deepest, so. And two feet is not sufficient.

TRUSTEE KRUPSKI: It almost seems like an inappropriate spot to have a motorized vessel attached to a float.

TRUSTEE DOMINO: There is an earlier permit on this property for a 32-foot catwalk, a 14-foot ramp leading to a 6x20' float. That would total out to be 48 feet from the structure. 32 feet plus say ten feet for the ramp and then the six feet for the float.

So it's 48 feet. So I would be in favor of a catwalk, 48-foot catwalk, no more than 48 feet, with steps down to water, giving access for a kayak or small boat. I think that's appropriate in this situation. You cannot go further and get deep water. And you can't pull it back and get deep water, so.

TRUSTEE KRUPSKI: Because of the code provisions of the pier line, right?

TRUSTEE DOMINO: That's true.

TRUSTEE WILLIAMS: With the addition of removing the ramp, the float and two piles, everything seaward of the end of the catwalk should be removed.

TRUSTEE BREDEMEYER: Understood that the existing catwalk then is the same 48 foot of what prior permitting was and that the removal seaward would entail removal of those structures as outlined by Trustee Williams.

TRUSTEE WILLIAMS: Yes.

TRUSTEE DOMINO: So remove everything seaward of the catwalk and steps down to a platform for the kayak.

TRUSTEE WILLIAMS: Do you want those to be hinged steps?

TRUSTEE DOMINO: And see new plans.

TRUSTEE KRUPSKI: Just steps, no lower platform?

TRUSTEE DOMINO: Just steps down.

TRUSTEE BREDEMEYER: Maybe we should entertain a time limit on removal of the structures.

TRUSTEE KRUPSKI: I think that would be very appropriate. For spring, or --

TRUSTEE GOLDSMITH: Definitely.

TRUSTEE DOMINO: And they'll have to come in later on to amend it to get steps.

TRUSTEE WILLIAMS: They'll have to start a new application or amend this application.

TRUSTEE DOMINO: Anyone else wish to speak to this application? (Negative response).

Any other comments from the Board?

(Negative response).

Hearing none, I make a motion on close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve the application with the following conditions: That all structure beyond the end of

the 48-foot elevated catwalk be removed. And that the pilings, the float, the ramp, be removed by June 1st.

TRUSTEE BREDEMEYER: I second the motion.

TRUSTEE DOMINO: Motion made and seconded. All in favor?

(ALL AYES).

Motion to adjourn

TRUSTEE BREDEMEYER: Motion to adjourn

TRUSTEE DOMINO: Second.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

Respectfully submitted by,

A handwritten signature in dark ink, reading "Michael J. Domino". The signature is written in a cursive, flowing style.

Michael J. Domino, President
Board of Trustees